

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIOVANI BARBOZA,

Defendant.

2:21-CR-280-GMN-NJK

Preliminary Order of Forfeiture

This Court finds Giovanni Barboza pled guilty to Counts One and Two of a Two-Count Superseding Criminal Information charging him in Count One with conspiracy to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 846 and in Count Two with possession of a firearm during and in relation to a drug trafficking crime in violation of 18 U.S.C. § 924(c)(1)(A)(i). Superseding Criminal Information, ECF No. __; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Giovanni Barboza agreed to the forfeiture of the property set forth in the Stipulation to Modify the Plea Agreement and the Forfeiture Allegations of the Superseding Criminal Information. Superseding Criminal Information, ECF No. __; Change of Plea, ECF No. __; Stipulation to Modify the Plea Agreement, ECF No. __.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Stipulation to Modify the Plea Agreement and the Forfeiture Allegations of the Superseding Criminal Information and the offenses to which Giovanni Barboza pled guilty.

The following property is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C. § 841(a)(1), a specified unlawful

activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(D), or 21 U.S.C. § 846, conspiracy to commit such offense; (2) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of violations of 21 U.S.C. §§ 841(a)(1) and 846; (3) all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §§ 841(a)(1) and 846, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of 21 U.S.C. §§ 841(a)(1) and 846; (4) any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 924(c)(1)(A)(i); (5) any firearm or ammunition involved in or used in any violation of any other criminal law of the United States, 21 U.S.C. §§ 841(a)(1) and 846; (6) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of 21 U.S.C. §§ 841(a)(1) and 846; (7) any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of property described in 21 U.S.C. § 881(a)(1) and 881(a)(2), in violation of 18 U.S.C. § 924(c)(1)(A)(i) and 21 U.S.C. §§ 841(a)(1) and 846 and any proceeds traceable to such property; and (8) any firearm or ammunition intended to be used in any offense punishable under the Controlled Substances Act, 18 U.S.C. § 924(c)(1)(A)(i) and 21 U.S.C. §§ 841(a)(1) and 846 and is subject to forfeiture under 18 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1); 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(2); 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1), (2)(C), and (3)(B) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p):

1. \$4,080;
2. \$18,830;
3. \$1,180;
4. Polymer80, Inc. (P80 Tactical P80) PF940C Pistol CAL:9 SN:None;
5. ABC Rifle Company ABC-15 Rifle CAL:Multi SN:77-0324 (lower) with the recovered 7.62 (upper);

6. HS Produkt (IM Metal) XD9 Sub-Compact Pistol CAL:9 SN:AT164686;
7. Alex Pro Firearms, LLC APF-4 Pistol CAL:Multi SN:SF4-02578;
8. Beretta, Pietro S.P.A. 92FS Pistol CAL:9 SN:A202075Z;
9. Metro Arms Corporation American Classic II Pistol CAL:45 SN:A00275;
10. Taurus PT1911 Pistol CAL:45 SN:NFX40778;
11. Kimber Ultra Carry II Pistol CAL:45 SN:KU247785;
12. Glock GMBH 26GEN4 Pistol CAL:9 SN:YEB729;
13. Suspected silencer, no manufacturer markings nor S/N;
14. Colt 1911-variant Pistol CAL:45 SN:CPE357;
15. Walther P22 Pistol CAL:22 SN:L039986;
16. 19 Rounds Assorted Ammunition CAL:9;
17. 28 Rounds Assorted Ammunition CAL:5.56;
18. 8 Rounds Assorted Ammunition CAL:22;
19. 24 Rounds Assorted Ammunition CAL:9;
20. 8 Rounds Speer Ammunition CAL:45;
21. 6 Rounds Federal Ammunition CAL:45;
22. 7 Rounds Assorted Ammunition CAL:45;
23. 8 Rounds Assorted Ammunition CAL:9;
24. 8 Rounds Remington Ammunition CAL:45;
25. 9 Rounds LC (Lake City) Ammunition CAL:5.56;
26. 21 Rounds Unknown Ammunition CAL:7.62;
27. 96 Rounds Assorted Ammunition CAL:45;
28. 177 Rounds Assorted Ammunition CAL:7.62;
29. 4 Rounds Assorted Ammunition CAL:9;
30. 14 Rounds Federal Ammunition CAL:9;
31. 45 Rounds Assorted Ammunition CAL:7.62;
32. 39 Rounds Assorted Ammunition CAL:9;
33. 7 Rounds Assorted Ammunition CAL:45;

34. 25 Rounds Assorted Ammunition CAL:45;
35. 14 Rounds Assorted Ammunition CAL:9;
36. 9 Rounds Assorted Ammunition CAL:.223;
37. 12 Rounds Assorted Ammunition CAL:22;
38. 5 Rounds Assorted Ammunition CAL:9;
39. 2 Rounds Assorted Ammunition CAL:45;
40. 1 Rounds Wolf Ammunition CAL:7.62;
41. 11 Rounds Assorted Ammunition CAL:45;
42. 8 Rounds Assorted Ammunition CAL:45;
43. 2 Rounds Assorted Ammunition CAL:9; and
44. any and all compatible ammunition

(all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Giovanni Barboza in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the times under the applicable statute when a petition

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1 contesting the forfeiture must be filed, and state the name and contact information for the
2 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
4 or entity who claims an interest in the forfeited property must file a petition for a hearing to
5 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C. §
6 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under 21
7 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
8 petitioner's right, title, or interest in the property, the time and circumstances of the
9 petitioner's acquisition of the right, title or interest in the property, any additional facts
10 supporting the petitioner's claim, and the relief sought.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
12 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
13 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
14 not sent, no later than sixty (60) days after the first day of the publication on the official
15 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
17 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
18 Attorney's Office at the following address at the time of filing:

19 Daniel D. Hollingsworth
20 Assistant United States Attorney
21 Misty L. Dante
22 Assistant United States Attorney
23 501 Las Vegas Boulevard South, Suite 1100
24 Las Vegas, Nevada 89101.


25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
26 described herein need not be published in the event a Declaration of Forfeiture is issued by
27 the appropriate agency following publication of notice of seizure and intent to
28 administratively forfeit the above-described property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED March 27, 2023.

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7 JAMES C. MAHAN
8 UNITED STATES DISTRICT JUDGE
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